IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1895 OF 2005

Jolly Board Limited ... Petitioner

Versus

Balvinder Singh & anr. ... Respondents

Mr. P.N. Anaokar for Petitioenr.

Mr. P.M. Mokashi for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO,J.
DATED : AUGUST 24, 2005

P.C.

. This is a shocking case where the employer who has entered into the settlement wants to avoid the settlement.

. In terms of the settlement, entered into between the petitioner company and General Industrial Kamgar Union, six casual workers were agreed to be confirmed. Four of them were confirmed. Two others, Mr. Balwinder Singh and Mr. Dinkar Bhugvan Suryawanshi have not been confirmed on the specious plea that some other union has now raised the demand that they should not be absorbed as they are not senior. Once there was settlement, the settlement is binding on the employer and the union even if there be change of union unless the settlement has been terminated in terms as required

under the provisions of the Industrial Disputes Act. Benefits which the parties are entiteld to during the subsistence of the agreement cannot be taken away unless replaced by another settlement. The complainants are the persons who are entitled to benefits of settlement for being made permanent or regular. As long as the settlement is subsisting, the employer cannot take a contrary stand. The learned Industrial Court therefore, was right in passing the order dated 23.6.2005 on the facts and circumstances of the case.

. The grievance of the Petitioner is that even though this is an interim order it has effect of granting the main relief as sought for. Once there be subsisting settlement, and the workmen therein are entitled to benefits, it is open to the Industrial Court under the provisions of M.R.T.U. & P.U.L.P. Act to have granted the reliefs as prayed for.

. In my opinion, the grounds now urged on behalf of the Petitioner that there is dispute raised by some other union about the seniority of the complainant, and that they now cannot afford to regularise two workmen, are devoid of any merits. The order of court below does not suffer from any

error error of law apparent on the face of order. Consequently, Petition rejected. Ad interim relief stands vacated.

(F.I. REBELLO,J.)